



SCANNED

COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

TIDEWATER REGIONAL OFFICE

5636 Southern Boulevard, Virginia Beach, Virginia 23462

(757) 518-2000 Fax (757) 518-2103

www.deq.virginia.gov

September 21, 2009

L. Preston Bryant, Jr.
Secretary of Natural Resources

David K. Paylor
Director

Francis L. Daniel
Regional Director

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Dave Fauber
Director of Public Utilities
Town of Cape Charles
2 Plum Street
Cape Charles, VA 23310

RE: Reissuance of VPDES Permit No. VA0021288
Cape Charles WWTP
Cape Charles, VA 23310

Dear Mr. Fauber:

The enclosed effluent limitations and monitoring requirements for the above referenced permit have been approved. Additionally, enclosed is a copy of the fact sheet page that describes public participation in the permitting process. Please replace the page in fact sheet that you received with the draft permit with this page.

Your permit is also enclosed. In accordance with the permit, you are required to submit monitoring reports to the following address:

Department of Environmental Quality (DEQ)
Tidewater Regional Office
5636 Southern Boulevard
Virginia Beach, VA 23462

The reporting form is included with the permit. You will be responsible for obtaining additional copies of the reporting form. The first report (DMR) is due for the month of October 2009 by November 10, 2009.

If development of the proposed site will disturb a total of 1 or more acres and will also result in a point source discharge of storm water from the site, you will also be required to obtain coverage under the storm water general permit for construction activities prior to site development. If you believe that you will need a permit contact the Virginia Department of Conservation and Recreation, Mr. Lee Hill, Storm Water Management Program Director, telephone (804) 786-3998.

Please note that compliance with the permit's requirements for use and disposal of sewage sludge does not relieve you of your responsibility to comply with federal requirements set forth in 40 CFR Part 503. Until DEQ seeks and is granted authority to administer the Part 503 regulations by EPA, treatment works treating domestic

sewage should continue to work directly with EPA to comply with them. For more information, you can call the EPA Region III office in Philadelphia at 215-814-5735.

As provided by Rule 2A:2 of the Supreme Court of Virginia, you have thirty days from the date of service (the date you actually received this decision or the date it was mailed to you, whichever occurred first) within which to appeal this decision by filing a notice of appeal in accordance with the Rules of the Supreme Court of Virginia with the Director, Department of Environmental Quality. In the event that this decision is served on you by mail, three days are added to that period.

Alternatively, any owner under Section 62.1-44.16, 62.1-44.17, and 62.1-44.19 of the State Water Control Law aggrieved by any action of the State Water Control Board taken without a formal hearing, or by inaction of the Board, may demand in writing a formal hearing of such owner's grievance, provided a petition requesting such hearing is filed with the Board. Said petition must meet the requirements set forth in Section 1.23(b) of the Board's Procedural Rule No. 1. In cases involving actions of the Board, such petition must be filed within thirty days after notice of such action is mailed to such owner by certified mail.

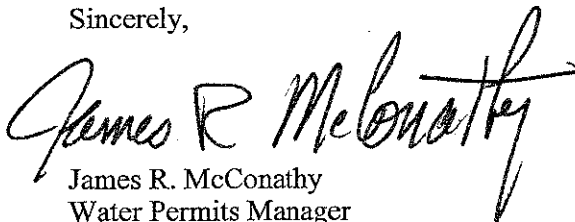
A Reliability Class I is assigned to this facility and this facility has Class III licensed wastewater operator requirements. Upon completion and issuance of the CTO for the upgraded facility, Reliability Class I requirements will be imposed along with Class II operator requirements.

Note that DEQ has launched an e-DMR program that allows you to submit the effluent data electronically. If you are interested in participating in this program please visit the follow website for details:

<http://www.deq.virginia.gov/water/edmrfaq.html>

If you have any additional questions, please do not hesitate to contact Mark Sauer at 757-518-2105 or by email at mark.sauer@deq.virginia.gov.

Sincerely,



James R. McConathy
Water Permits Manager

JRM/ ms

cc: DEQ - OWPP, TRO File
EPA - Region III (3WP12)
VDH - HQ, RO

Encl: Permit No. VA0021288
Revised Fact Sheet Page

OTHER AGENCY COMMENTS RECEIVED ON DRAFT PERMIT: Document any comments received from any other agencies (e.g., VIMS, VMRC, DGIF, etc.) and noted how resolved.

Not Applicable.

OTHER COMMENTS RECEIVED FROM RIPARIAN OWNERS/CITIZENS ON DRAFT PERMIT: Document any comments received from other sources and note how resolved.

The application and draft permit have received public notice in accordance with the VPDES Permit Regulation, and no comments were received. The Chesapeake Bay Foundation requested a copy of the draft permit and was provided a copy to review; the Foundation did not comment on the draft permit.

PUBLIC NOTICE INFORMATION: Comment Period: Start Date August 19, 2009
End Date September 18, 2009

Persons may comment in writing or by e-mail to the DEQ on the proposed issuance/reissuance/modification of the permit within 30 days from the date of the first notice. Address all comments to the contact person listed below. Written or e-mail comments shall include the name, address, and telephone number of the writer, and shall contain a complete, concise statement of the factual basis for comments. Only those comments received within this period will be considered. The Director of the DEQ may decide to hold a public hearing if public response is significant. Requests for public hearings shall state the reason why a hearing is requested, the nature of the issues proposed to be raised in the public hearing and a brief explanation of how the requestor's interests would be directly and adversely affected by the proposed permit action.

All pertinent information is on file and may be inspected, and arrangements made for copying by contacting Mark H. Sauer at: Department of Environmental Quality (DEQ), Tidewater Regional Office, 5636 Southern Boulevard, Virginia Beach, VA 23462. Telephone: 757-518-2105 E-mail: mark.sauer@deq.virginia.gov

Following the comment period, the Board will make a determination regarding the proposed issuance/reissuance/modification. This determination will become effective, unless the Director grants a public hearing. Due notice of any public hearing will be given.

30. ADDITIONAL FACT SHEET COMMENTS/PERTINENT INFORMATION: